IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1467 OF 2007

1. M/s. Star Precision Electronics (India) Ltd. and anr. ..Petitioners

Vs.

1. Shree Krishna Polyster Ltd. and anr. ..Respondents

Mr. Niranjan Mundargi i/by Joseph and Associates for petitioners.
Mr. D.P. Adsule, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : August 07, 2007.

P.C.:

1. Not on board, mentioned and, hence taken on board.

2. The petitioner no.2 came to be convicted in C.C. NO. 183/SS/2005 by the learned Metropolitan Magistrate, 13th Court at Dadar for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and was directed to pay a compensation of Rs.25,57,862/-. He challenged the said order in Criminal Appeal No. 122 of 2007. In

the said appeal, he filed Bail Application No. 266 of 2007 which has been allowed and the sentence awarded by the learned Metropolitan Magistrate is suspended on deposit of an amount of Rs.5 lacs within a period of one week as per the order dated 2/8/2007. Hence this petition being aggrieved by the direction to deposit the amount of Rs.5 lacs.

3. It is apparent that the deposit amount comes to about 20% of the compensation amount and this cannot be said to be an unreasonable amount having regards to the law laid down in the case of Dilip Dahanukar vs. Kotak Mahindra Co. Ltd. and anr. **[2007 ALL MR (Cri) 1775 (S.C.)]**. Therefore, I am not inclined to cause interference and reduce the amount of deposit. Reasonable amount cannot be quantified in terms of percentage and it depends on the facts of each case. I am satisfied that in the present case the amount of Rs.5 lacs directed to be deposited for suspending the order of sentence appears to be reasonable. However, the learned counsel for the petitioner prayed for some more time to deposit the said amount and this appears to be a reasonable request.

4. Hence, the petition is rejected summarily and the petitioner is directed to deposit the amount of Rs.5 lacs on or before 3rd September, 2007 as being the condition for suspension of the sentence.

(B.H. Marlapalle,J.)